

Our Lady of the Lake Roman Catholic School

A Blue Ribbon School of Excellence

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Received & Inspected

FEB 14 2011

FCC Mail Room

February 8, 2011

FCC
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: Applicant Name: OUR LADY OF THE LAKE SCHOOL
Billed Entity Number: 80489
Form 471 Application Number: 539978
Funding Request Number(s): 1495486
CC Docket No. 02-6

To Whom It May Concern:

In response to the USAC Administrator's Decision on Appeal letter dated December 16, 2010, Our Lady of the Lake Roman Catholic School (OLL) is writing this letter to appeal the USAC decision. While the audit recommendation is that USAC seek recovery of the \$27,030, and as USAC does not have authority to waive FCC rules, OLL respectfully requests that the FCC waive the contracting deficiency due to the unprecedented circumstances following Hurricane Katrina.

OLL is located in the Louisiana Gulf Coast area, just two blocks from Lake Pontchartrain, and was significantly impacted by the flooding associated with Hurricane Katrina in August 2005. The school buildings received damage from both wind and water, with approximately 65% of the classrooms needing extensive flood damage repair. Despite significant damage to the infrastructure of the greater New Orleans area, the community and the school, OLL resumed operations approximately one month after Hurricane Katrina, providing much needed stability to our community, our students and a significant number of students from other less fortunate schools who sought refuge at OLL.

It is difficult to put into words the environment that existed after Hurricane Katrina. The admissions office was literally a revolving door. Families with no homes were looking for a school to put their children in to restore some sense of normalcy and security to their lives.



~ Celebrating Over a Century of Excellence in Catholic Education ~

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OLL's main focus was to get the school up and running and provide the best environment for so many in need.

Because of the severity of the storm's impact on the greater New Orleans infrastructure, offers of aid poured in from around the country. Volunteers from several states helped with cleanup, sheetrock, supplies, etc. One such offer of aid was from an educator with a school in the Northeast who offered to assist Our Lady of the Lake School with securing federal funding. The educator, who indicated she was experienced with FCC funding requirements, agreed to handle the Universal Service Administrative Company's Schools and Libraries application process for OLL. This allowed the administration of OLL to focus on the task of rebuilding the school while meeting the educational needs of an expanded student body.

The third party submitted the F470 on February 17, 2006. The bid period was extended for all schools impacted by Katrina, and on June 16, 2006, BellSouth submitted the sole bid. As stated on the audit report, on June 20, 2006, FCC form 471 number 539978 was filed in conjunction with FRN 1495486. On June 28, 2006, BellSouth contacted the third party to request a change of the spin number assigned to FRN 1495486.

The FCC Form 486 was filed on January 22, 2007, by the third party. OLL was unaware that there were any problems with the application process and continued to work in good faith with BellSouth, pending funding approval. On February 16, 2007, OLL executed a service arrangement contract with BellSouth, who ultimately executed the contract on April 24, 2007. OLL did not learn that a contracting deficiency existed until August 21, 2009, as part of an audit report.

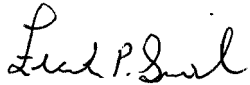
OLL applied for the funding support at a time of need, in good faith and with the intent of complying with all FCC requirements. The dollars granted by USAC were used for the purposes intended, specifically to replace the existing phone system. The contract was awarded to the low (sole) bidder following a competitive bid process. While we acknowledge the referenced technical audit deficiency, we request that FCC look to the spirit and intent of the funding provisions, which we believe OLL has fully complied with.

Since the USAC was granting funds to serve the public interest and to address schools in need following the impact of Hurricane Katrina, we would hope that the FCC would not penalize the school, and ultimately the families that were affected by the hurricane, to repay the funds given to them in a time of need.

The appeal process outlines that the FCC grants waivers in special circumstances and when a deviation of the rule would serve the public interest. Hurricane Katrina constitutes a special circumstance, and the events following the storm were unprecedented, thus making it difficult, if not impossible, to reconcile with any previous findings. There were many distractions and challenges following Katrina, and as a result, OLL was dependent on the help of others. This dependency and the unusual circumstances post storm led to the single technical deficiency with our submission. Our Lady of the Lake School believes that it has fully complied with the intent of the funding and respectfully requests that the contract deficiency be waived, and the previously approved \$27,030 grant stand.

If you need any additional information or wish to discuss this appeal, please feel free to contact either Frank Smith or Brenda Anderson.

Yours truly,



Frank P. Smith

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Brenda Anderson

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Enclosures: Sample Katrina damage photos
USAC Administrator's Decision on Appeal dated December 16, 2010











Frank P. Smith
Our Lady Of The Lake Roman Catholic School
316 Lafitte Street
Mandeville, LA 70448

Billed Entity Number: 80489
Form 471 Application Number: 539978
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

December 16, 2010

Frank P. Smith
Our Lady Of The Lake Roman Catholic School
316 Lafitte Street
Mandeville, LA 70448

Re: Applicant Name: OUR LADY OF THE LAKE SCHOOL
Billed Entity Number: 80489
Form 471 Application Number: 539978
Funding Request Number(s): 1495486
Your Correspondence Dated: October 14, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1495486
Decision on Appeal: **Denied**
Explanation:

- USAC has determined that, during an audit, you provided a contract that is signed and dated April 23, 2007. The Form 471 application and certification was postmarked June 20, 2006. FCC Rules state that a contract must be signed and dated on or after the Allowable Contract Date as calculated by the Form 470 posting date, but prior to the submission of the Form 471. Additionally, you certified on your Form 486 that a signed contract was in place, but the Form 486 was postmarked January 23, 2007. On appeal, you confirm the contract was executed after the Form 471 and Form 486 were filed. In your appeal, you did not demonstrate that USAC's decision was incorrect. As USAC does not have authority to waive the FCC rules of the program, your appeal is denied.

- USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC Rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. sec. 54.504(c). The FCC has consistently upheld USAC's denial of funding when there is no contract in place for the funding request. See Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-256981, CC Docket No. 02-6, Order, 18 FCC Rcd. 22994, DA 03-3526 (rel. Nov. 5, 2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) at page 23.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company